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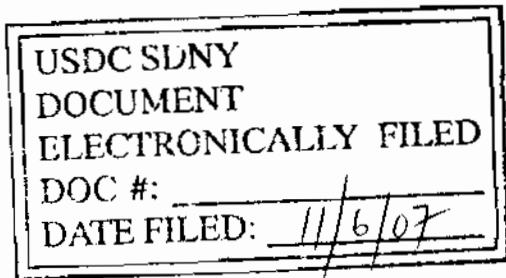
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October 19, 2007

VIA FACSIMILE

(212-805-7941)

Hon. Loretta A. Preska
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1320
New York, New York 10007-1312



Re: Frank Devino v. Penthouse Media Group Inc
Case No. 07 Civ. 7510 (LAP)(MJD)

Dear Judge Preska:

We represent the Defendant in the above-referenced matter. This letter is submitted jointly on behalf of the Parties to advise the Court regarding a recent development regarding the preliminary status of this matter and to request that the Court not yet schedule a preliminary conference pursuant to Rule 16(b).

The Parties have agreed upon, and recently submitted to the Orders and Judgments Clerk, a Stipulation extending Defendant's time to answer, move or otherwise respond to the Complaint in this matter until November 1, 2007. (A courtesy copy is attached.) The Parties also have reached a verbal agreement to participate in private mediation in a good faith attempt to resolve this case before litigation. The Parties are presently attempting to schedule private mediation sometime in November 2007. Defendant will, nevertheless, file its answer or otherwise respond to the Complaint on or before November 1, 2007.

As a result of this development, in the interests of judicial economy, the Parties jointly and respectfully request that the Court not schedule the Rule 16(b) conference until after they have participated in private mediation. The Parties will advise the Court promptly regarding any further substantive developments in this matter.

Counsel shall report to the Court on the status of the action on or before December 10, 2007.

JMK:mrg
Attach.

cc. Thomas S. Rosenthal, Esq., Counsel for Plaintiff (via Facsimile) (w/attach.)

Respectfully submitted,

JACKSON LEWIS LLP

Jonathan M. Kozak

November 5, 2007